

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

IVAN M. SUZMAN,)	
)	
Plaintiff)	
)	
v.)	Civil No. 05-192-P-S
)	
ADOLPH CRISP, et al.,)	
)	
Defendants)	

**RECOMMENDED DECISION ON
MOTION FOR SUMMARY JUDGMENT (DOCKET NO. 38)
AND MOTION FOR DEFAULT (DOCKET NO. 39)
BY IVAN SUZMAN**

In his complaint Ivan Suzman relates that he has advanced Young-Onset Parkinson's Disease and complains of the defendants' fraud and deceit apropos their 'care' of him after he sought help in the wake of a personal crisis. Suzman has filed a motion for summary judgment (Docket 38) and a separate motion for default judgment, both against Defendant Adolph Crisp. (Docket No. 39.)

The motion for summary judgment states only that Crisp was served with a summons and a complaint on April 25, 2006, and failed to respond until June 2, 2006. The motion for default judgment relates the same information. In his own motion Crisp filed a motion to quash and to dismiss complaining that, while he received the amended complaint and exhibits from the United States Marshal he did not receive the actual summons. I have denied Crisp's motion to quash and recommended that the court deny Crisp's motion to dismiss. I have given all the defendants until September 1, 2006, to file

answers. I now **RECOMMEND** that the court **DENY** Suzman's motion for summary judgment and his motion for default judgment.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

July 12, 2006.

/s/Margaret J. Kravchuk
U.S. Magistrate Judge